



Why Diversity in the ADR Field Matters, Too

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There has been much ado of late on the topic of diversity and inclusion in the legal profession. The storyline is that while the call for diversity and inclusion has been going strong in corporate America for a while now, the legal profession has sadly lagged behind.

And while the tide seems to be slowly turning in favor of the legal world's level of buy-in when it comes to diversity, diversity in the ADR field is left lagging even farther behind.

But why? One theory is that it is the result of a trickle-down effect. You see, corporate America started the call to action. This caused law firms, which are basically vendors to the corporations, to answer the call or lose the business. This leaves neutrals, as vendors to the law firms, waiting for the tide to turn within the law firms before they respond in kind.

In the meantime, most ADR professionals generally look nothing like the parties who rely on them, and the pipeline for the next generation of diverse neutrals is not as robust as it should be.

The reasons for fostering diversity in the legal profession apply equally to the ADR field. Diversity brings new ideas and perspectives to dispute resolution. It also promotes

cultural awareness. These things can break down unconscious bias – another hot-button issue – and other barriers to resolving cases. The bottom line is that when providers of a service reflect the needs and values of their customer base, everyone benefits.

I have had several experiences, both as an attorney and mediator, where cultural awareness was the only way to understand the root of the dispute and what really motivated the parties. Without it, the path to a resolution, while still not hopeless, was substantially more efficient and cost-effective for everyone involved.

So how do we accelerate the process for diversifying the ADR field? One is for corporate America, the leader in diversity initiatives, to play a more active role in choosing diverse neutrals rather than relying on their outside counsel at law firms to do it. Another is for bar associations and other affinity groups to help the next generation of diverse neutrals through mentoring and career planning opportunities. Lastly, the large, established ADR providers should continue their efforts to recruit and promote diverse neutrals for their panels.

Ultimately, like many industry-wide goals worth achieving, it will take a group effort among the stakeholders, and it all starts with a basic level of awareness that there is a problem in need of a solution.

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